

REMARKS

Status of Claims

The Office Action mailed December 18, 2006 has been received and reviewed. Claims 1-36 are pending. Reconsideration of the rejection of all claims and allowance are earnestly solicited in view of the following remarks.

Rejections under 35 U.S.C. § 103(a)

A.) Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)”. MPEP §2143. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. & Inter. 1985).” *Id.* *See also*

MPEP §706.02(j) and §2142.

B.) Obviousness Rejection Based on U.S. Patent No. 6,112,015 (“Planas”); U.S. Patent No. 5,570,412 (“LeBlanc”); and U.S. Patent No. 7,020,696 (“Perry”).

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Planas, LeBlanc, and Perry. Applicant respectfully traverses this because the prior art does not teach or suggest the limitations of claims 1, 11, and 22.

With respect to independent claim 1, Applicant respectfully submits that the cited prior art, including Planas, LeBlanc, and Perry, fail to describe, among other things, the following claim limitations: “providing a graphical user interface permitting the user to select at least one vendor from the at least one vendors who own telecommunication cable in the metropolitan area and at least one node from the at least one nodes of the types associated with telecommunication cable in the metropolitan area; receiving user input selecting at least one of the vendors who own telecommunication cable in the metropolitan area; [. . .] generating a display layer graphically illustrating the vendor information for the telecommunication cable of each of the vendors selected by the user; [and] displaying the display layer graphically illustrating the metropolitan area and the display layers graphically illustrating the vendor information for the telecommunication cable of each of the least one vendors selected by the user.”

With respect to independent claim 11, Applicant respectfully submits that the cited prior art, including Planas, LeBlanc, and Perry, fail to describe, among other things, the following claim limitations: “displaying a list of vendors who own high bandwidth telecommunication cable in the selected metropolitan area; receiving user input selecting at least one vendor from the list of vendors who own high bandwidth telecommunication cable in the selected metropolitan area; [. . . and] displaying the electronic maps of the high bandwidth

telecommunication cable owned by each of the selected vendors over the map of the selected metropolitan area.”

With respect to independent claim 22, Applicant respectfully submits that the cited prior art, including Planas, LeBlanc, and Perry, fail to describe, among other things, the following claim limitations: “displaying a list of the vendors who own high bandwidth telecommunication cable in the selected metropolitan area; receiving user input selecting at least one vendor from the list of vendors who own high bandwidth telecommunication cable in the selected metropolitan area; [and] displaying the location of the high bandwidth telecommunication cable owned by the selected vendors over the geographical map of the selected metropolitan area.”

Unlike Planas, LeBlanc, and Perry, the claimed invention of independent claims 1, 11, and 22 displays one or more vendors, receives a user’s selection of one or more vendors, and displays information pertaining to the selected vendors. Planas, on the other hand, discloses network objects, which are “*products* produced by a variety of different vendors and include nodes, links, and shelf based equipment.” *See Planas* at col. 1, lines 46-48 (emphasis added). It is respectfully submitted, however, that Planas does not disclose displaying one or more vendors, receiving a selection of one or more vendors, or displaying information pertaining to the selected vendors. Accordingly, Planas, LeBlanc, and Perry, individually and in combination, fail to teach or suggest all the limitations of independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 1, 11, and 22 should be withdrawn.

Dependent claims 2-10, 12-21, and 23-36 further define novel features of the claimed embodiments and each depend either directly or indirectly, from one of the independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above with respect to independent claims 1, 11, and 22, dependent claims 2-10, 12-21, and 23-36 are believed to be in condition for

allowance by virtue of their dependency. *See, In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); *see also*, MPEP § 2143.01. As such, withdrawal of the obviousness rejection of dependent claims 2-10, 12-21, and 23-36 is respectfully requested.

CONCLUSION

Applicant respectfully requests timely entry of this Response and passing of this application to issue. Should however any issues remain before issuing this application, the Examiner is urged to contact the undersigned to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 21-0765 referencing Attorney Docket No. 2217/SPRI.103013.

Respectfully submitted,

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